

# HONDURAS HAS CRIED ENOUGH

Surrender of President Bonilla  
and the Port of Amapala  
to Zelaya.

WAR IS CONSIDERED OVER  
FURTHER CONFLICTS MAY BE  
PREVENTED.

New Orleans, April 12.—(Accord-  
ing to a cable message received by  
the officials of the Fruit Dispatch  
company, President Manuel Boni-  
lla of Honduras has surrendered  
to the Nicaraguan forces. The  
message, came from Managua,  
Nicaragua, and was signed by  
President Jose Yelazquez. No de-  
tails were given other than that  
Bonilla surrendered yesterday.  
Other advices received here yes-  
terday, however, were to ef-  
fect that Bonilla had been "bot-  
tled up" in the Port of Amapala,  
ever since he made his sensa-  
tional flight from Choluta.

Washington, April 12.—That all of  
the Central American republics are  
looking to the present state of warfare  
between Nicaragua and Honduras as  
result in an agreement for permanent  
peace in Central America was devel-  
oped today by a general discussion at  
the state department. With that end  
in view the negotiations looking to a  
cessation of hostilities will not go so  
far as to take up the subject of per-  
manent peace, but will leave this broad  
question to a conference to be held in  
Washington or the City of Mexico, and  
it is expected all of the countries im-  
mediately interested may take part.

The United States and Mexico, ac-  
cording to the embryonic plan, will  
occupy the important positions of un-  
pires.

Development Retarded.  
The conflict between two of the Cen-  
tral American republics which is now  
drawing to a close has made it ap-  
parent to all that the present unsettled  
conditions there are hampering the  
development of the countries. The  
various republics not involved in the war  
keep free with the greatest difficulty,  
and commercial affairs in all of them  
were affected. With the United States  
and Mexico urging the placing of the  
republics on a firm basis so that they  
might dwell amicably together and en-  
joy an interchange of business, there  
is every indication that a permanent  
agreement may be reached.

The plan has not gone far enough  
for the suggestion of a date for such  
a conference, and it is assumed that  
it will not interfere with the conference  
at The Hague, although the two could  
not be in conflict in any way. Amba-  
sador Creel is said to be father of the  
idea, but it has the hearty approval  
of state department officials.

Great Interest Taken.  
In order that there might be a full  
attendance of representative delegates  
from all of the Central American re-  
publics, Mexico City, it is believed here,  
stands the better chance of securing  
the conference. The keen interest  
taken by the diplomatic representa-  
tives here of all Central American re-  
publics and the dependence they  
place in Secretary of State Root and  
the Mexican ambassador is believed by  
officials here to insure the success of  
such a gathering as that proposed.

SITUATION IN SALVADOR.  
Surrender of Bonilla Evidently Not  
Known to Officials.

San Salvador, Republic of Salvador,  
April 12.—The town of Conquis, Hon-  
duras, was captured by President Boni-  
lla's forces yesterday. General Car-  
camo, commanding the attacking force,  
is advancing into the interior of Hon-  
duras. Bonilla's forces occupy many  
other towns in Honduras.

The revolutionary forces of Honduras  
are disbanding.  
Many families have reached this city  
fleeing from the outrages of the in-  
vading army.  
The south and central departments  
of Honduras remain against the Nicara-  
guan-Colombian-Ecuadorian invad-  
ers has taken place. Salvador has  
over 18,000 men under arms and can  
place a larger army in the field to repel  
any aggression.

War Has Ended.  
Washington, April 12.—The end of  
hostilities in Central America is record-  
ed in the following cablegram received  
from the state department this afternoon  
from American Consul Olivares, dated  
at Managua, the Nicaraguan capital,  
today:  
"Amapala has been surrendered by  
Bonilla, and the war is ended."



It's worth while for you to come in here  
and look around a bit.  
The creations of the world's best clothes  
makers are shown and every man who  
prides himself on being rightly dressed  
should look them over.

Knox hats, too.  
Richardson & Adams  
172 MAIN STREET

# MAJORITY VOTED FOR FIRST DEGREE MURDER

Continued from Page 1.

In vain, for they succeeded in winning  
over to their side Juror Dennee, who  
to that time had voted for conviction.  
The rest of the jurors, with the  
exception of George Pfaff, who had  
voted for murder in the first degree,  
declared that Thaw was only guilty of  
manslaughter in the first degree. The  
ballot was taken at 9:25 o'clock  
Thursday night and remained un-  
changed. After that there was no bal-  
lot until 12:30 o'clock this afternoon,  
when all of the jurors showed that they  
were of the same mind as before ex-  
pecting Dennee, who in addition to  
voting for manslaughter in the first de-  
gree, added that the defendant should  
be recommended to the mercy of the  
court.

Line-up at the End.  
"The eighth and last ballot was taken  
at 3:45 o'clock this afternoon, and  
showed a most remarkable change in  
the entire jury. The five men who had  
voted for an absolute acquittal changed  
their ballots to that of not guilty on the  
ground of insanity in the hope of win-  
ning over their colleagues, but the re-  
mainder of the jury, all of whom, with  
the exception of George Pfaff, had  
voted for a verdict of manslaughter,  
made up their minds that Thaw was  
guilty of murder in the first degree and  
voted accordingly. This practically  
ended the deliberations of the jury and  
the jurors, arriving at the conclusion  
that they could never agree, asked to  
be discharged.

Never Changed His Mind.  
"It will be noticed that the only man  
who voted consistently according to his  
first opinion was George Pfaff, Juror No.  
2, who from the very first ballot adhered  
to his belief that Harry Thaw was guilty  
of murder in the first degree. He was  
as consistent in his belief to the con-  
trary were Jurors Pink, Harney, Fraser  
and Steele, who from the very outset  
decided that in their opinion Thaw was  
not guilty. These four men, however,  
slightly changed their belief on the last  
ballot, when the hope of winning over  
their companions they conceded to acquit  
the defendant on the ground of insan-  
ity.

Plenty of Disagreement.  
Wilbur F. Steele, Juror No. 9, said:  
"There was plenty of disagreement be-  
tween the opinions expressed by the ju-  
rors. We considered insanity in many  
phases, but did not give the subject of  
wronged womanhood any lengthy debate;  
in fact, scarcely any. It was touched  
upon and quickly dropped. The question  
which was considered at unusual length  
was whether Thaw was insane at the  
time he shot and killed Stanford  
White, and whether at that moment he  
was responsible for his actions."

Juror Joseph E. Bolton said: "There  
was no question of insanity. It was  
either 'dementia Americana' in our delib-  
erations. We considered the case from a  
purely legal standpoint. We were not  
swayed by emotion."

Attorneys Disappointed.  
Mr. O'Reilly, of Thaw's counsel, to-  
night said:  
"I confess that I am disappointed. I  
rely expected an acquittal. Perhaps  
now, in view of the verdict, Mr. Delmas  
made a mistake in using the term of  
'dementia Americana.' But he made an  
honest effort, and it might have been a  
mistake of judgment."

Attorney Gleason said: "The disagree-  
ment of the jury was disappointing, of  
course. It was unfortunate that the intro-  
duction of the 'unwritten law' character-  
ized as 'dementia Americana.' If, instead  
of this, counsel had dwelt upon the sta-  
tutory sanity of Thaw, which was plain-  
ly proven, Thaw might have been acquit-  
ted."

Mrs. William Thaw, mother of the  
prisoner, sent out the following mes-  
sage in response to requests for a state-  
ment tonight:  
"Mrs. Thaw has nothing to say. She  
has made no statement since she has  
been in New York; neither will she make  
any."

Mrs. Evelyn Nesbit Thaw said: "I can't  
understand it. I don't see why they  
could not have come to some kind of an  
agreement."

Refused to Believe It.  
A reporter said to Mrs. Thaw: "The  
jury stood seven to five for conviction."  
"I don't believe it," she cried emphat-  
ically. "They ought to have acquitted  
him on the evidence."

When the disagreement of the jury was  
announced in court Thaw turned even  
paler than he has been for the past sev-  
eral days, and when he was remanded  
back to the city prison he gave the ques-  
tion of District Attorney Jerome he hung his  
head dejectedly.

Up to the very last Thaw had hoped  
that the twelve would finally agree upon  
a verdict of not guilty.  
It was 4:30 o'clock when Justice Fitz-  
gerald sent court messengers to summon

District Attorney Jerome and counsel for  
the defendant. Thaw was later  
ordered to appear before him in  
the court room. The jury filed in at 4:25  
p. m. There was considerable delay  
waiting for District Attorney Jerome, who  
had left the building.

Thaw Entered Smiling.  
Thaw was brought before the jury at  
4:25 p. m. He entered smiling and con-  
fident as ever. Soon his wife appeared,  
and after smiling a greeting to him she  
was making her way to her accustomed  
place, where Thaw caught her by the  
sleeve and beckoned her into the unoccu-  
pied chair beside him. He put his right  
arm around her and they sat together.  
As soon as Mr. Jerome arrived Justice  
Fitzgerald took his place on the bench  
and Clerk Penny began to call the roll  
of the jury. When this was over he said  
to Thaw:

"The defendant will rise."  
Then for the first time those in the  
court room knew that the end of the fa-  
mous trial was at hand.  
Clerk Penny next said:  
"The jury will rise."  
Then he went on:

"Defendant, look upon the jurors; ju-  
rors, look upon the defendant. Genta-  
men of the jury, have you agreed upon  
a verdict?"

Tried to Comfort Him.  
"We have not," quickly responded For-  
man Deming R. Smith, in a voice that  
was audible in every corner of the  
court room. Little Mrs. Thaw reached up  
and grasped her husband's hand. Thaw  
looked down at her beside him. She whis-  
pered comforting words in his ear and  
told him she believed from what counsel  
had said, that there was a good  
chance of his being liberated. Ball.

Justice Fitzgerald, turning to the ju-  
rors, said:  
"Gentlemen of the jury, I have deemed  
it my duty to keep you here as long as  
there was a possibility of your reaching a  
verdict. I have arrived at the conclu-  
sion that it will be impossible for you to  
do so. I have consulted with counsel for  
the defendant and the learned district at-  
torney, and I am going to discharge you  
from further service in this case. The  
public prosecutor and counsel for the  
defendant consenting to such discharge."

Justice Fitzgerald called on District At-  
torney Jerome and Mr. Peabody and Mr.  
O'Reilly and Clifford Hartridge, of Thaw's  
counsel, to arise and formally enter their  
consent.

Mr. Jerome spoke:  
"I will ask," he said, "that the defend-  
ant be remanded in custody as before."

Remanded to Jail.  
"The defendant will be so remanded,"  
ordered Justice Fitzgerald, and Thaw  
arose and made his way out of the court  
room.

District Attorney Jerome said there  
were reasons which made it necessary  
that the January term of the court, in  
which the trial of Harry Thaw was be-  
gun, should not yet be adjourned sine  
die. He asked that such an adjournment  
should be taken as would comport with  
the convenience of the court. Justice  
Fitzgerald then adjourned the court  
at 4:24 p. m. until Monday, April 29.

Mr. Jerome later said the adjournment  
of Mr. Peabody also stated that he  
considered it would be his duty to put  
Thaw on trial again.

There are thirty-four homicide cases  
in my office," he said, "and fourteen or  
fifteen murderers in the Tombs, and they  
must all have their day in the court. The  
Thaw case must take its turn."

Delmas Has Not Withdrawn.  
Asked tonight about a report that Mr.  
Thaw had been released, Mr. Peabody  
said he had retired from the Thaw case,  
leaving only Daniel O'Reilly as counsel,  
Mr. Delmas said:

"I have not withdrawn from the  
case and have no reason to believe  
that either Messrs. Hartridge, Gleason  
or Peabody have."

"I know no more about the disagree-  
ment of the jury than the general public  
knows. It is too early to discuss plans  
for the future."

Concerning Mr. Gleason's criticism of  
his "dementia Americana," remarks, Mr.  
Delmas would say only:  
"I have no wish to comment on these  
remarks."

Pittsburg Not Excited.  
Pittsburg, April 12.—Pittsburg received  
the result of the Thaw trial with hardly  
as much enthusiasm or interest as the  
baseball bulletins.

There was little comment.  
About the hour after the case  
was given to the jury there was intense  
interest and up to a late hour in the  
night crowds besieged the bulletin boards  
of the newspapers. Yesterday and today,  
however, there was little excitement.  
Among the places where the greatest in-  
terest was the Duquesne club, of which  
Thaw was a member. A few ex-  
pressions of disappointment that the legi-  
slation had not been reached was all in  
the way of comment here.

Preparing a Statement.  
Pittsburg, April 12.—The manner in  
which the Thaw jury disagreement was  
received by Mrs. Holman, mother of  
Evelyn Nesbit Thaw, is not known here  
except by rumor. It is believed that she  
was given to get some expression  
from Mrs. Holman were un-  
satisfactory. A friend of the Holman family, who  
was delegated to see reporters, said:  
"Neither Mr. nor Mrs. Holman has any-  
thing to say at the moment."

It is said tonight, however, that Mrs.  
Holman is preparing a statement which  
will be made public in the near future.

# PROGRAM OF SECOND DAY

William T. Stead One of the Speak-  
ers at Carnegie Re-dedication  
Exercises.

Pittsburg, April 12.—William T. Stead,  
editor of the Review of Reviews of Lon-  
don, at the re-dedication ceremonies of  
the Carnegie institute of Pittsburg, to-  
day, announced a plan to raise \$100,000  
necessary to conduct a pilgrimage from  
all countries to The Hague conference.  
To raise this sum he proposed that every  
college and university student in the  
United States donate 50 cents toward the  
fund. He said the lesson furnished to  
Europe by such a movement would be  
an influential factor in the quest of in-  
ternational peace.

After much applause by the audience  
Mr. Stead said probably his hearers would  
like to know the city which gave the  
silver money landed on the stage, com-  
ing from all parts of the hall.  
A banquet of the trustees of the Car-  
negie institute in honor of Mr. and Mrs.  
Carnegie was held tonight at the Hotel  
Schenley. All the foreign and American  
guests attended.

Three large chests of books were pre-  
sented to the institute today by Emperor  
William through his personal representa-  
tive, Lieutenant General Alfred F. J. L.  
von Loewenfeld.

# EDLER WITHDRAWS CHARGE ON TECHNICALITY

Continued from Page 1.

George A. Sheets, this is the time hereto-  
fore set for the court to make its ruling  
on the motion to set aside or quash  
the information. The start has not only  
given it days of time, but has pretty  
nearly exhausted the state law library for  
authorities in this matter.

"In this case I find that the defendant,  
George A. Sheets, is bound over to this court to  
answer to the crime of criminal con-  
spiracy. The state attorney has filed  
an information charging the defendant  
in the same or nearly the same words  
that are used by the county attorney in  
the complaint, and setting out as facts  
the acts done in pursuance of the con-  
spiracy, and as so set out there is no  
question in the mind of the court that at  
least one, if not three, felonies have been  
charged to have been committed. Under  
the statutes of this state it is neces-  
sary to set out some act in addition to  
the agreement of the parties, and that  
such act was done to effect the object  
of such agreement. And I take it the  
attorneys for the state have stated the  
act or acts which they would attempt  
to prove on the trial, if any were had.  
If the acts proven bore out the allega-  
tions then I am of the opinion that a  
felony would have been shown in its com-  
plete details. There is nothing before this  
court showing that any act could be  
shown which would not prove the com-  
plete commission of the felony."

Reasons for Ruling.  
"The American courts seem to follow  
the reasoning of the early English cases  
and not the finding made by the Eng-  
lish judges in 1848, and in this country  
it seems to be the settled law that mis-  
deanors and felonies merge only where  
they form a constituent part of the  
same act, but that they do merge when  
the same act involves both offenses. A  
number of authorities state that con-  
spiracy to commit a felony is only one  
step towards the completion of the act,  
and in this case where one act is set  
out and that act is relied upon to  
prove the conspiracy and it also, if proven,  
would show the completed felony, and  
cannot be so separated as to prove the  
misdemeanor and yet stop short of proving  
the completed felony, it would seem  
that the conspiracy being but one step  
towards the completion of the felony, and  
being a constituent part of the act, and  
that this act involves both offenses, that  
the information and complaint are merged  
into one felony, if not more, and that  
the misdemeanor merges into that fel-  
ony."

"This rule is recognized by the courts  
of this country, especially by the courts  
of Massachusetts, New York and Penn-  
sylvania, and in one of the federal cases  
it declares that this doctrine, as I un-  
derstand the authority, is declared the  
doctrine of the adjudications in this coun-  
try."

Information Is Quashed.  
"Being satisfied that this act cannot  
be conspiracy, and that there is no stop-  
ping point from the time the act is start-  
ed until it is completed, I believe that  
the merger takes place and that this in-  
formation really charges a felony, and  
that the defendant has not been bound  
over to this court by the committing  
magistrate for such felony; therefore it  
is my duty to quash this information.  
The court may be so advised."

I suggest to the state that if they  
are not satisfied with this ruling of the  
court that they appeal this case to the  
supreme court that they may have a final  
ruling on this matter. I believe the  
issues are clearly before the court and that  
no issue could be found in which the  
supreme court could be more clearly set  
forth before the supreme court. If they do  
not care to do that, then they can take  
such action as they may see fit with re-  
gard to the offenses they have charged."

As soon as the court had finished Dis-  
trict Attorney Loebow arose and  
said:

"The court will permit us to take ex-  
ception to the ruling. I will take the  
exception to the ruling of the court, and  
what, if any, steps he desires to take  
in the matter."

Considerable speculation is being in-  
duced in the court by the course the pro-  
secution will now pursue. County Attorney  
Willard Hanson is out of the city, but  
it was stated that he would return to-  
morrow and would be in the city. The  
court affirmed the ruling of the lower  
court, the county attorney will file a  
complaint, charging criminal conspiracy,  
without alleging that the felonies actu-  
ally were committed, as in the case of the  
complaint which has been heard. It is not  
considered probable that complaints charging the commission  
of a felony will be drawn but an effort  
will be made to overcome the legal ob-  
stacles by amending the complaint just  
passed upon.

Chief Sheets yesterday afternoon de-  
clined to comment on the ruling of the  
court further than to say he had an-  
ticipated the action of the court and the  
decision came as no surprise to him.

Ready for the Next Move.  
Attorney Soren N. Christensen, leading  
counsel for Chief Sheets, said:  
"The decision was a fair one and clearly  
within the law. The conspiracy charge  
was brought against the chief merely  
because the county attorney thought it  
could secure a conviction for a misde-  
meanor more easily than for a felony.  
Now it was shown that the conspiracy  
charge was illegal, is more than I can com-  
prehend. The chief will be released, and  
I do not know what the prosecution  
will do for the defense the moment we saw  
the complaint but we preferred to wait  
until the case came before the district  
court before we filed our motion to quash  
it."

"I have not been informed as to what  
move the state intends to make in the  
case or whether it will be dropped, but  
I do know that Chief Sheets is innocent  
and that no matter what the prosecution  
does we are ready for them and we will  
always stand by our right."

All the conspiracy charges against the  
others named in the complaint will prob-  
ably now be dismissed by the county at-  
torney. W. H. Parrent and James Dove  
alison, however, have been charged, in  
addition to conspiracy, with the crimes  
of robbery and larceny, and these  
charges are not affected by the decision.

There are many  
reasons why  
Tree Ear  
Satisfies

Watch these  
columns for

5

Imported by  
M. J. Brandenstein & Co.  
San Francisco

EXTRA SESSION IN TEXAS.  
Governor Campbell Determined to  
Have Railroad Laws Passed.

Austin, Texas, April 12.—The Texas  
legislature adjourned at 3 o'clock today,  
after a four months' session, and was re-  
convened in extra session within ten min-  
utes by Governor Campbell.

On Wednesday the governor vetoed the  
legislative act providing for the consolida-  
tion of several branches of the Gulf,  
Colorado & Santa Fe Railroad under one  
management. The senate and house both  
passed the bill over his veto. The gov-  
ernor during the session just past has  
repeatedly demanded that the legislature  
pass stringent anti-corruption tax laws,  
also certain legislation demanded by the  
Democratic platform. On adjournment  
passed many of these laws had not been  
enacted.

In his proclamation reconvening the  
legislature Governor Campbell demands  
that the legislature take action on the  
interests along lines that he will suggest  
in a message Monday, and the enactment  
of a law compelling telephone and tele-  
graph companies to transmit all tele-  
grams and to make necessary connections  
for that purpose at common points.

METEOROLOGICAL REPORT.  
Maximum temperature, 74 degrees; min-  
imum temperature, 47 degrees; mean tem-  
perature, 60 degrees, which is 11 degrees  
above normal; accumulated excess of tem-  
perature since Jan. 1, 5.88 degrees. Relative  
humidity, 42 at 6 p. m. Total precipi-  
tation from 8 p. m. to 6 p. m. in one  
accumulated excess of precipitation since  
the first of the month, .04 inch; accumu-  
lated excess of precipitation since Jan. 1,  
2.95 inches.

# SHEETS IS FREED ON TECHNICALITY

Continued from Page 1.

George A. Sheets, this is the time hereto-  
fore set for the court to make its ruling  
on the motion to set aside or quash  
the information. The start has not only  
given it days of time, but has pretty  
nearly exhausted the state law library for  
authorities in this matter.

"In this case I find that the defendant,  
George A. Sheets, is bound over to this court to  
answer to the crime of criminal con-  
spiracy. The state attorney has filed  
an information charging the defendant  
in the same or nearly the same words  
that are used by the county attorney in  
the complaint, and setting out as facts  
the acts done in pursuance of the con-  
spiracy, and as so set out there is no  
question in the mind of the court that at  
least one, if not three, felonies have been  
charged to have been committed. Under  
the statutes of this state it is neces-  
sary to set out some act in addition to  
the agreement of the parties, and that  
such act was done to effect the object  
of such agreement. And I take it the  
attorneys for the state have stated the  
act or acts which they would attempt  
to prove on the trial, if any were had.  
If the acts proven bore out the allega-  
tions then I am of the opinion that a  
felony would have been shown in its com-  
plete details. There is nothing before this  
court showing that any act could be  
shown which would not prove the com-  
plete commission of the felony."

Reasons for Ruling.  
"The American courts seem to follow  
the reasoning of the early English cases  
and not the finding made by the Eng-  
lish judges in 1848, and in this country  
it seems to be the settled law that mis-  
deanors and felonies merge only where  
they form a constituent part of the  
same act, but that they do merge when  
the same act involves both offenses. A  
number of authorities state that con-  
spiracy to commit a felony is only one  
step towards the completion of the act,  
and in this case where one act is set  
out and that act is relied upon to  
prove the conspiracy and it also, if proven,  
would show the completed felony, and  
cannot be so separated as to prove the  
misdemeanor and yet stop short of proving  
the completed felony, it would seem  
that the conspiracy being but one step  
towards the completion of the felony, and  
being a constituent part of the act, and  
that this act involves both offenses, that  
the information and complaint are merged  
into one felony, if not more, and that  
the misdemeanor merges into that fel-  
ony."

"This rule is recognized by the courts  
of this country, especially by the courts  
of Massachusetts, New York and Penn-  
sylvania, and in one of the federal cases  
it declares that this doctrine, as I un-  
derstand the authority, is declared the  
doctrine of the adjudications in this coun-  
try."

Information Is Quashed.  
"Being satisfied that this act cannot  
be conspiracy, and that there is no stop-  
ping point from the time the act is start-  
ed until it is completed, I believe that  
the merger takes place and that this in-  
formation really charges a felony, and  
that the defendant has not been bound  
over to this court by the committing  
magistrate for such felony; therefore it  
is my duty to quash this information.  
The court may be so advised."

I suggest to the state that if they  
are not satisfied with this ruling of the  
court that they appeal this case to the  
supreme court that they may have a final  
ruling on this matter. I believe the  
issues are clearly before the court and that  
no issue could be found in which the  
supreme court could be more clearly set  
forth before the supreme court. If they do  
not care to do that, then they can take  
such action as they may see fit with re-  
gard to the offenses they have charged."

As soon as the court had finished Dis-  
trict Attorney Loebow arose and  
said:

"The court will permit us to take ex-  
ception to the ruling. I will take the  
exception to the ruling of the court, and  
what, if any, steps he desires to take  
in the matter."

Considerable speculation is being in-  
duced in the court by the course the pro-  
secution will now pursue. County Attorney  
Willard Hanson is out of the city, but  
it was stated that he would return to-  
morrow and would be in the city. The  
court affirmed the ruling of the lower  
court, the county attorney will file a  
complaint, charging criminal conspiracy,  
without alleging that the felonies actu-  
ally were committed, as in the case of the  
complaint which has been heard. It is not  
considered probable that complaints charging the commission  
of a felony will be drawn but an effort  
will be made to overcome the legal ob-  
stacles by amending the complaint just  
passed upon.

Chief Sheets yesterday afternoon de-  
clined to comment on the ruling of the  
court further than to say he had an-  
ticipated the action of the court and the  
decision came as no surprise to him.

Ready for the Next Move.  
Attorney Soren N. Christensen, leading  
counsel for Chief Sheets, said:  
"The decision was a fair one and clearly  
within the law. The conspiracy charge  
was brought against the chief merely  
because the county attorney thought it  
could secure a conviction for a misde-  
meanor more easily than for a felony.  
Now it was shown that the conspiracy  
charge was illegal, is more than I can com-  
prehend. The chief will be released, and  
I do not know what the prosecution  
will do for the defense the moment we saw  
the complaint but we preferred to wait  
until the case came before the district  
court before we filed our motion to quash  
it."

"I have not been informed as to what  
move the state intends to make in the  
case or whether it will be dropped, but  
I do know that Chief Sheets is innocent  
and that no matter what the prosecution  
does we are ready for them and we will  
always stand by our right."

All the conspiracy charges against the  
others named in the complaint will prob-  
ably now be dismissed by the county at-  
torney. W. H. Parrent and James Dove  
alison, however, have been charged, in  
addition to conspiracy, with the crimes  
of robbery and larceny, and these  
charges are not affected by the decision.

# BANKS' UP-TO-DATE MILLINERY SCHEME

The date the hat is put on sale  
is now on the price ticket.

If not sold in six days, prices  
are reduced.

Those who don't think  
Banks has the Millinery  
Problem properly provided  
for should be looked after.

They don't see things right.

116 SOUTH MAIN STREET

# MONUMENT FOR ROUGH RIDERS

"Pneumonia's Deadly Work  
had so seriously affected my right  
lung," writes Mrs. Fannie Connor of  
Central Route 1, Georgetown, Tenn.,  
"that I coughed continually night and  
day and the neighbors' prediction—con-  
sumption—seemed inevitable, until my  
husband brought home a bottle of Dr.  
King's New Discovery, which in a  
case proved to be the only REAL  
cough cure and restorer of weak  
lungs. When all other remedies  
utterly fail, you may win in the battle  
against lung and throat troubles with  
New Discovery, the REAL cure. Guar-  
anteed by Z. C. M. I. Drug Dept. See  
and \$1.00. Trial bottle free.

On April 12, 1907, our photo studio  
will close permanently. After this  
date our entire photographic attention  
will be devoted to amateur finishing  
and commercial work.  
C. R. SAVAGE CO.,  
12 and 14 Main Street.

Wall Paper.  
You want attractive designs with  
great diversity in style of drawing and  
color, and you want a large variety  
to select from. All this is to be  
found at Ebert's, 57 Main street.

Dance Apollo Hall.  
Tuesday, April 16. Excursion to Amer-  
ican Fork via Salt Lake route. Special  
train 7:30 p. m. Return midnight, \$1.00  
round trip.

HAVE YOU TASTED BITTER  
SWEETS? HAVE YOU TAKEN  
HOME A BOX OF BITTER  
SWEETS?

IF SINGLE, DO YOU CARRY  
A BOX OF BITTER SWEETS  
WHEN YOU GO CALLING?

Bitter Sweets—the finest quality  
of chocolates in the world. The su-  
perior quality is due to McDonald's  
specialization.

Exclusive manufacturer of chocolates of  
all kinds.

SENATOR HEYBURN  
IS MUCH IMPROVED

(Special To The Herald.)  
Washington, April 12.—On recommenda-  
tion of Senator Heyburn, of Idaho,  
Charles S. Loveland, of Boise, state bank  
examiner of Idaho, was today appointed  
native and prevents serious  
coughs and prevents pneumonia and  
consumption. Contains no opiates. The  
genuine is in a yellow package. Refuse  
substitutes. F. J. Hill Drug Co., "The  
Never Substitutes."

A CARD.  
This is to certify that all druggists  
are authorized to refund your money if  
Foley's Honey and Tar fails to cure  
your cough or cold. It stops the cough,  
heals the lungs and prevents serious